

### REMARKS

In response to the Notice of Panel Decision from Pre-Appeal Brief Review of June 8, 2007 and the final Office Action of February 2, 2007, applicants ask that all claims be allowed in view of the amendments and the following remarks. This reply is being filed concurrently with a Request for Continued Examination.

Claims 1-28 are pending, with claims 1, 11, 17, 26, and 27 being independent. Claims 1-3, 11, 17, 26, and 27 have been amended. Support for the amendments can be found in the originally-filed specification, at least at page 5, lines 5-9. No new matter has been introduced.

Applicants acknowledge with appreciation the Examiner's indication that claims 7-22, 26, and 27 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. In response, claims 11, 17, 26, and 27 have been rewritten to incorporate the entire subject matter of claim 1 as it was presented in the response to the Office Action of June 2, 2006. Accordingly, claims 11, 17, 26, and 27, along with claims 12-16 and 18-22, which respectively depend from claims 11 and 17, are believed to be allowable.

### **Claim Objections—35 U.S.C. § 103**

#### Claims 1-6, 23, 24, and 28

Claims 1-6, 23, 24, and 28 have been rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 3,092,071 (Simpson) in view of U.S. Patent No. 5,506,791 (Hungerford). Applicants request reconsideration and withdrawal of this rejection because neither Simpson, Hungerford, nor any proper combination of these references describes or suggests a hand-operated fastening device that secures a one-piece clear polymer cover that may be rotated about a hinge to a polymer housing such that a seal is provided between the polymer housing and the one-piece clear polymer cover, as recited in claim 1. Moreover, one of ordinary skill in the art would not have been motivated to modify Simpson to include such a feature.

In Simpson, a device 10 has a movable part 11 that may occupy a variety of positions. See Simpson at col. 2, lines 57-59 and Fig. 1. A remote indicator 20, which includes a housing 21 and a pointer 23 mounted on a dial face 22 to display the movement of the movable part 11,

displays the movement of the movable part 11 on a dial face 22. See Simpson at col. 3, lines 3-9 and Fig. 2. However, Simpson does not disclose a cover of any sort that encloses the pointer 23 and the dial face 22 in the housing 21, much less a one-piece clear polymer cover. Additionally, Simpson does not disclose a polymer housing. As Simpson does not disclose such a cover or a polymer housing, Simpson also does not describe or suggest a hand-operated fastening device that secures a one-piece polymer cover to a polymer housing such that a seal is provided between the polymer housing and the one-piece clear polymer cover, or that the cover can be rotated about the hinge, as recited in claim 1.

Hungerford does not remedy the failure of Simpson to describe or suggest the noted features of claim 1. Hungerford relates to a fluid flow monitoring apparatus. See Hungerford at col. 1, lines 18-20. The apparatus includes a case 1 that houses electronic and mechanical components of the apparatus, including an operating panel 2 that includes a keypad 3, a liquid crystal display 4, and push buttons 5. See Hungerford at col. 6, lines 25-27 and lines 32-36 and Figs. 1 and 2. The case 1 includes a transparent door 6 that provides additional protection for the operating panel 2 when the door 6 is closed. See Hungerford at col. 6, lines 41-43 and Figs. 1 and 2. The door 6 is "hingedly secured at 6A to one side of the front case portion, and is retained in a closed position by a pair of ... lockable latches 6B at the opposite side. See Hungerford at col. 6, lines 38-41 and Fig. 1. However, Hungerford never describes or suggests that the lockable latches 6B secure the door 6 to the case 1 such that a seal is provided between the case 1 and the door 6. Rather, Hungerford seals the case 1 and the operating panel 2 so as to be watertight even when the door 6 is open. See Hungerford at col. 6, lines 41-48. In other words, securing Hungerford's door 6 to the case 1 does not provide a seal between the case 1 and the door 6.

Thus, like Simpson, Hungerford also does not describe or suggest hand-operated fastening device that secures a one-piece polymer cover to a polymer housing such that a seal is provided between the polymer housing and the one-piece clear polymer cover, or that the cover can be rotated about the hinge, as recited in claim 1.

Moreover, there is no suggestion in the cited references to modify the housing 21 of Simpson to include the door 6 of Hungerford. The Examiner states:

[I]t would have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing for the position indicator, taught by Simpson, Jr. et al., by making the housing a polymer housing, and adding a one piece clear polymer cover, a hinge and a latch to the housing, as suggested by Hungerford et al., in order to provide impact resistance, resistance to stresses from mounting and harsh conditions, dust resistant and corrosion resistant, as taught by Hungerford et al., and to allow easier servicing of the components of the position indicator when needed.

See final Office Action of Feb. 2, 2007 at page 3, lines 13-19.

The benefits enumerated above do not provide the requisite motivation for modifying Simpson with Hungerford. First, Simpson lacks a cover that encloses the pointer 23 and the dial face 22 in the housing 21. Thus, Simpson implicitly teaches away from the use of a cover.

Second, Hungerford does not use the door 6 to achieve the benefits enumerated above. Rather, Hungerford achieves dust resistance and corrosion resistance by sealing the case 1 and the operating panel 2 without having to seal the door 6 to the case 1. See Hungerford at col. 6, lines 45-48. Indeed, Hungerford's case 1 remains sealed even when the door 6 is open. See Hungerford at col. 6, lines 45-48. Furthermore, the door 6 does not provide impact resistance or resistance to mounting stresses. Rather, the case 1 provides these benefits. See Hungerford at col. 6, lines 27-31. Moreover, there is no indication in Hungerford that the door 6 allows easier servicing of the fluid-flow monitoring apparatus. Because Hungerford does not describe or suggest a door that provides such advantages, one of ordinary skill in the art would not be motivated to modify Simpson's housing 21 with Hungerford's door.

For at least these reasons, claim 1 is allowable over any proper combination of Simpson and Hungerford. Dependent claims 2-6, 23, 24, and 28 are allowable for at least the reasons that claim 1 is allowable, and for containing allowable subject matter in their own right.

For example, claim 2 recites "a hand-operated fastening device includes a latch, and the latch secures the one-piece clear polymer cover to the polymer housing such that the one-piece clear polymer cover can be opened without the use of tools." As discussed above, the housing 21 in Simpson is not a polymer housing, nor does Simpson show "a one-piece clear polymer cover enclosing the position indicator display and mechanism in the polymer housing." Thus, Simpson also fails to describe or suggest a hinge or latches that would secure such a polymer cover. Hungerford's door 6 is "hingedly secured at 6A to one side of the front case portion, and

is retained in a closed position by a pair of stainless steel lockable latches 6B at the opposite side.” See Hungerford at col. 6, lines 38-41. However, there is no indication that the latches 6B are hand-operated fastening devices that secure the door 6 to the case 1 such that the door 6 can be opened without the use of tools. Moreover, even if the latches 6B could be equated with such a hand-operated fastening device, modifying Simpson’s housing 21 to include the latches 6B, in addition to modifying the housing 21 to be a polymer housing and adding a one-piece polymer cover to enclose the pointer 23 in the housing 21, would constitute a substantial reconstruction and redesign of the housing 21. Accordingly, such a modification of the housing 21 would not have been obvious. See MPEP § 2143.01 VI.

In another example, claim 3 recites “the hinge includes a first portion that is integrated with the polymer housing and a second portion that is integrated with the one-piece clear polymer cover.” As discussed above, Hungerford’s door 6 is hingedly secured to the case 1. However, there is no indication that Hungerford includes a hinge that includes a first portion that is integrated with the case 1 and a second portion that is integrated with the door 6.

For at least these additional reasons, applicants ask that the rejection of claims 2 and 3 be withdrawn.

#### Claim 25

Claim 25, which depends from claim 1, was rejected as being obvious over Simpson and Hungerford in further view of U.S. Patent No. 2,800,248 (Truesdell). Applicants request reconsideration and withdrawal of this rejection because, like Simpson and Hungerford, Truesdell does not describe or suggest a hand-operated fastening device that secures a one-piece clear polymer cover to a polymer housing such that a seal is provided between the polymer housing and the one-piece clear polymer cover, or that the cover can be rotated about the hinge.

In Truesdell, an instrument housing includes a receptacle 7 and a cover 8 that mates with the receptacle 7. However, there is no suggestion that the cover 8 is a one-piece clear polymer cover or that the receptacle 7 is a polymer housing. Additionally, Truesdell does not include a hinge. Accordingly, claim 1 is allowable over any proper combination of Simpson, Hungerford, and Truesdell, and claim 25 is allowable for at least the reasons that claim 1 is allowable and for containing allowable subject matter in its own right.

### Conclusion


In conclusion, applicants submit that all claims are in condition for allowance.

Pursuant to 37 CFR §1.136, applicants hereby petition that the period for response to the Notice of Panel Decision from Pre-Appeal Brief Review dated June 8, 2007, be extended for two months to and including September 10, 2007. Applicants note that September 8, 2007 occurred on a Saturday.

Fees in the amount of \$1440 in payment for the Request for Continued Examination fee (\$790), for the Petition for Extension of Time fee (\$450), and for the excess claim fee (\$200) are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. No additional fee is believed due. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: September 10, 2007

  
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